

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

DAVID G. FLORENCE,

Defendant.

Case No. 2:13-cv-00035

Magistrate Judge Alistair E. Newbern

ORDER

As directed by the Court's prior order (Doc. No. 347), Defendant David Florence timely filed a notice of his health status supported by a doctor's record on December 7, 2021. (Doc. No. 348.) The record reflects multiple symptoms associated with COVID-19 and a temperature of 100.1. (Doc. No. 348-1.) It notes as the doctor's diagnostic impression "Covid 19 Symptomatic," "Clinical Pneumonia," "Hyperpyrexia," and "Tachycardia with Hypertension." (*Id.*) Based on this representation, Florence cannot be admitted to the Court's Northeastern Division Courthouse under the Court's COVID-19 safety protocols.¹ Accordingly, the jury trial will not convene on December 8, 2021.

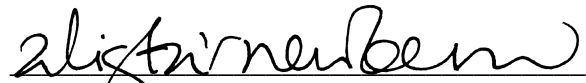
The United States has filed a response to Florence's health status notice in which it asks the Court "to start the trial of this case as soon as possible, to require any future health updates to be from a neutral physician, and to consider allowing Florence to attend Court remotely if needed to satisfy COVID-19 protocols. (Doc. No. 349.) In support of its filing, the United States notes

¹ See U.S. District Court for the Middle District of Tennessee Public Notice Regarding Coronavirus (COVID-19), available at <https://www.tnmd.uscourts.gov/sites/tnmd/files/Notice%20to%20Bar%201st%20Revision%20-%20COVID19%20Courthouse%20Restrictions%20TNMD.pdf> (last visited December 7, 2021).

that Dr. Yogeshwar Gill, who signed the medical record attached to Florence's notice and presumably conducted the examination, was an original defendant to this case and was alleged to have been the medical director of pain clinics that the United States alleges Florence also ran and that are material to its allegations against Florence. (*Id.*) The United States further notes that Florence proposed to call Dr. Gill as a trial witness to testify to Florence's experience, knowledge, and "value as a medical professional." (*Id.*) The United States also informs the Court that it has "multiple out-of-town witnesses prepared to testify at this trial, and it will be very difficult and—for some may be impossible—to bring them to Tennessee to testify next week." (*Id.*) The United States asks the Court to allow Florence to attend the trial remotely until he is able to do so in person. (*Id.*)

A telephonic hearing on the issues raised in the United States' response is set on December 8, 2021, at 10:00 a.m. Counsel shall call (888) 557-8511 and enter access code 7819165# to participate.

It is so ORDERED.


ALISTAIR E. NEWBERN
United States Magistrate Judge